

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Anthony G. Macaluso	Art Unit :	2617
Serial No. :	10/809,922	Examiner :	Matthew C. Sams
Filed :	March 24, 2004	Conf. No. :	6755
Title :	ADVERTISING ON MOBILE DEVICES		

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

This brief on appeal is being filed under 37 CFR 41.37 to perfect the notice of appeal, which was originally filed on December, 8, 2008, and in response to the Office communication mailed January 21, 2009. The sections required by 37 CFR 41.37 follow.

**(1) Real Party in Interest**

Anthony G. Macaluso is the real party in interest.

**(2) Related Appeals and Interferences**

There are no related appeals or interferences.

**(3) Status of Claims**

Claims 1-39 are pending, with claims 1, 17, 26 and 34 being independent. Claims 1-39 are rejected. The rejection of claims 1-39 is appealed.

**(4) Status of Amendments**

The claims have not been amended subsequent to final rejection. There are no unentered amendments.

**(5) Summary of Claimed Subject Matter**

**Claim 1**

Claim Language	Support in Specification and/or FIGS.
A method for advertising on a mobile device, the method comprising:	<i>See e.g.</i> , ¶¶ [0023]-[0024]; ¶¶ [0033]-[0037]; FIG. 1, No. 100; FIG. 5, No. 500.
storing a plurality of advertisements on a mobile device;	<i>See e.g.</i> , ¶ [0023], lines 3-10; ¶ [0024], lines 8-11; ¶ [0032], ¶ [0033]; [0038]; FIG. 1, No. 110; FIG. 5, No. 505.
initiating a wireless communication involving the mobile device;	<i>See e.g.</i> , ¶¶ [0024]-[0027]; ¶ [0030]; ¶ [0033]; ¶ [0039]; ¶ [0042]; ¶ [0046]; FIG. 1, No. 115; FIG. 5, No. 510; FIG. 6, No. 605; FIG. 7, No. 705; FIG. 8, No. 812.
determining a time required to complete the wireless communication; and	<i>See e.g.</i> , ¶ [0031]; ¶ [0033]; FIG. 5, No. 515.
selecting one of the stored advertisements to present on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.	<i>See e.g.</i> , ¶ [0024]; ¶¶ [0033]-[0034]; FIG. 1, No. 120; FIG. 5, Nos. 520, 525.

**Claim 17**

Claim Language	Support in Specification and/or FIGS.
An article comprising a machine-readable medium storing instructions for causing one or more processors to perform operations comprising:	<i>See e.g.</i> , ¶ [0008]; ¶¶ [0025]-[0026].
storing a plurality of advertisements on a mobile device;	<i>See e.g.</i> , ¶ [0023], lines 3-10; ¶ [0024], lines 8-11; ¶ [0032], ¶ [0033]; [0038]; FIG. 1, No. 110; FIG. 5, No. 505.
receiving an indication of a wireless data communication involving the mobile device;	<i>See e.g.</i> , ¶¶ [0024]-[0027]; ¶ [0030]; ¶ [0033]; ¶ [0039]; ¶ [0042]; ¶ [0046]; FIG. 1, No. 115; FIG. 5, No. 510; FIG. 6, No. 605; FIG. 7, No. 705; FIG. 8, No. 812.
determining a time required to complete the wireless communication; and	<i>See e.g.</i> , ¶ [0031]; ¶ [0033]; FIG. 5, No. 515.
selecting one of the stored advertisements to present on the mobile device during the wireless data communication if the determined time is longer than a threshold time.	<i>See e.g.</i> , ¶ [0024]; ¶¶ [0033]-[0034]; FIG. 1, No. 120; FIG. 5, Nos. 520, 525.

**Claim 26**

Claim Language	Support in Specification and/or FIGS.
A communications system comprising:	<i>See e.g.</i> , ¶¶ ; FIG. 3, No. 300.
a wireless telecommunications network operable to support communications with mobile devices;	<i>See e.g.</i> , ¶ [0027]; FIG. 3, No. 310.
a central advertising server in communication with the wireless	<i>See e.g.</i> , ¶¶ [0027]-[0030]; FIG. 3, No. 305.

telecommunication network and adapted to store advertisements for presentation on mobile devices during wireless data communications that cause a delay on the mobile devices, wherein the central advertising server is further adapted to:	
receive a request for a new advertisement from an advertising application on a mobile device storing one or more advertisements;	<i>See e.g.</i> , ¶ [0032]; ¶¶ [0035]-[0036]; ¶ [0056]; ¶ [0059]; ¶ [0063]; FIG. 5, No. 535; FIG. 9, No. 905.
receive information related to one of the stored advertisements from the advertising application on the mobile device;	<i>See e.g.</i> , ¶ [0032]; ¶ [0059]; ¶ [0063]; FIG. 9, No. 910
update a database record associated with the one of the stored advertisements based on the received information;	<i>See, e.g.</i> , ¶¶ [0059]-[0061]; ¶ [0063]-[0066]; FIG. 9, Nos. 910, 915, 920;
determine whether at least one new advertisement is available; and	<i>See e.g.</i> , ¶ [0041]; ¶ [0043]; ¶ [0056]; FIG. 7, No. 735.
transmit a selected new advertisement to the mobile device if at least one new advertisement is available, wherein the advertising application on a mobile device presents the new advertisement during the delay if the delay is longer than a threshold time.	<i>See e.g.</i> , ¶ [0024]; ¶ [0028]; ¶ [0030]; ¶¶ [0033]-[0034]; ¶ [0043]; ¶ [0056]; FIG. 1, No. 120; FIG. 5, Nos. 520, 525; FIG. 7, No. 740.

**Claim 34**

Claim Language	Support in Specification and/or FIGS.
A method of advertising on a mobile device, the method comprising:	<i>See e.g.</i> , ¶¶ [0023]-[0024]; ¶¶ [0033]-[0037]; FIG. 1, No. 100; FIG. 5, No. 500.
storing a plurality of advertisements on a mobile device;	<i>See e.g.</i> , ¶ [0023], lines 3-10; ¶ [0024], lines 8-11; ¶ [0032], ¶ [0033]; [0038]; FIG. 1, No. 110; FIG. 5, No. 505.
initiating a wireless communication session involving the mobile device;	<i>See e.g.</i> , ¶¶ [0024]-[0027]; ¶ [0030]; ¶ [0033]; ¶ [0039]; ¶ [0042]; ¶ [0046]; FIG. 1, No. 115; FIG. 5, No. 510; FIG. 6, No. 605; FIG. 7, No. 705; FIG. 8, No. 812.
determining a time required to complete the wireless communication, the time representing a period of delay in the wireless communication session; and	<i>See e.g.</i> , ¶ [0031]; ¶ [0033]; FIG. 5, No. 515.
presenting a rotation of the stored advertisements on the mobile device during the period of delay in the wireless communication session if the determined time is longer than a threshold time.	<i>See e.g.</i> , ¶¶ [0023]-[0024]; ¶¶ [0032]-[0034]; FIG. 1, No. 120; FIG. 5, Nos. 520, 525.

**(6) Grounds of Rejection to be Reviewed on Appeal**

**I. Grounds of Rejection I – Rejections over Sakoda and Van Erlach**

Claims 1-4 and 6, 7, 17, 21 and 34-36 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,665,533 to Sakoda (“Sakoda”) in view of U.S. Patent Application Publication No. 2003/0179229 to Van Erlach (“Van Erlach”).

## **II. Grounds of Rejection II – Rejections over Sakoda, Van Erlach and Hamano**

Claims 8-13, 16, 18-20, 26-33 and 37-39 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sakoda in view of Van Erlach and further in view of U.S. Patent Application Publication No. 2002/0166127 to Hamano (“Hamano”).

## **III. Grounds of Rejection III – Rejections over Sakoda, Van Erlach and Sanctis**

Claims 5 and 22-24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sakoda in view of Van Erlach and further in view of U.S. Patent Application Publication No. 2005/0131837 to Sanctis et al. (“Sanctis”).

## **IV. Grounds of Rejection IV – Rejections over Sakoda, Van Erlach and Rakavy**

Claims 14-15 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sakoda in view of Van Erlach and further in view of U.S. Patent No. 5,913,040 to Rakavy (“Rakavy”).

## **V. Grounds of Rejection V – Rejections over Sakoda, Van Erlach and Levin**

Claim 25 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sakoda in view of Van Erlach and further in view of U.S. Patent Application Publication No. 2002/0128908 to Levin (“Levin”).

**(7) Argument**

**I. Grounds of Rejection I – Rejections over Sakoda and Van Erlach**

**Claim 1 and its dependent claims**

As described in the pre-appeal brief request for review, in one aspect, the present application is directed to selecting a stored advertisement to present on a mobile device. The stored advertisement is selected based on a comparison of a determined time required to complete a wireless communication against a set threshold time. If the determined time is longer than a threshold time, an appropriate stored advertisement is selected and presented on the mobile device.

The Office concedes that Sakoda fails to teach or suggest at least the claimed “selecting one of the stored advertisements to present on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.” (*See* Final Office Action Dated October 8, 2008 at pages 5-6). The addition of Van Erlach fails to cure the deficiencies of Sakoda.

The Office continues to allege that Van Erlach teaches the claimed limitations at issue because Van Erlach describes a “selection criteria in determining which ad to show [] based on the amount of time available in the time slot” and an “ability to compress or alternatively decompress ads so that they can be made to fit into the available time slot.” (*See id.* at page 2. Internal quotations removed.) The Office further contends that “the examiner views Van Erlach’s time slot to equating to the threshold time and the ability to compress or decompress the ad to fit and fill the time slot as equating to the determined time.” (*See id.* Internal quotations removed.) However, this is an unreasonable characterization of Van Erlach and overbroad interpretation of claim 1.

For example, claim 1 requires “determining a time required to complete the wireless communication.” Thus, the claimed determined time in claim 1 is the actual time required to complete the wireless communication involving a mobile device, such as downloading a file to the mobile device. In contrast, Van Erlach teaches compressing or decompressing an ad to fit into a time slot. Compressing or decompressing an ad has nothing to do with the claimed act of determining a time required to complete the wireless communication involving a mobile device. Thus, the ability to compress or decompress the ad to fit and fill the time slot in Van Erlach cannot reasonably be construed as the claimed “determining a time.”

In addition, claim 1 requires “selecting one of the stored advertisements to present on the mobile device during at least a portion of the wireless communication **if the determined time is longer than a threshold time.**” (Emphasis added.) In claim 1, the time required to complete the wireless communication, such as downloading a file, is determined and that time is compared to a threshold time. Only if that determined time is longer than the threshold time, is an advertisement selected.

In contrast to claim 1, Van Erlach teaches selecting an ad based on input from biometric data gathering unit and modifying the selected ad to fit in an open time slot. (See, Van Erlach at paragraph [0011].)

This information is supplied to an intelligent router which selects ads from a database on an ad server whose designated target audience, time slot, television show characteristics and other parameters match those of input from each properly equipped biometric data gathering unit. Selected ads are compared for time length to available or given time in the ad slot and a digital ad compression and decompression engine runs the ad to fit the assigned time.

(Id.)

Clearly, the ads in Van Erlach are not selected “if the determined time is longer than a threshold time.” The ads are selected in Van Erlach based on information obtained from the biometric data of each user, and the selected ads are “fit” into the ad slots using “digital ad compression and decompression engines.” Because the ads in Van Erlach are already selected before compressing/decompressing the ads, it is unreasonable to conclude that the ads in Van Erlach are selected based on the time slot. Also, because the already selected ads are compressed/decompressed to fit the time slot, it is equally unreasonable to conclude that the ads in Van Erlach are selected based on the time slot. The Office’s position is analogous to an illogical assertion that a square block is selected based on a round hole because the square block could be carved to fit the round hole. Thus, it is unreasonable to construe the time slot in Van Erlach as the claimed “threshold time.”

Further, it is irrelevant whether the time slot in Van Erlach can reasonably be construed as the claimed threshold time. Claim 1 requires “selecting one of the stored advertisements to present on the mobile device during at least a portion of the wireless communication **if the determined time is longer than a threshold time.**” This condition is used to make sure there will be enough time to show an advertisement on the mobile device. For example, if the time to download a file (the claimed time required to complete a wireless communication) is too short (not longer than a threshold time), then it is not feasible to present an advertisement on the mobile device.

For the Office’s claim construction to be valid, the Office must show that Van Erlach selects an ad if the “ability to compress or decompress the ad to fit the time slot” is longer than the “time slot.” This is not only incomprehensible, but technically illogical and untenable.

This goes to show that the pending rejections are based on mischaracterizations of the claimed features that lead to incomprehensible claim interpretation and untenable contentions.

For at least these reasons, claim 1 is allowable over the proposed combination of Sakoda and Van Erlach. Claims 2-4, 6 and 7 depend from claim 1 and are allowable for at least the same reasons.

Claim 17 and its dependent claims

Claims 17 is allowable for at least reasons similar to claim 1 above. Claims 21 depend from claim 17 and are allowable for at least the same reasons.

Claim 34 and its dependent claims

Claim 34 is allowable for at least reasons similar to claim 1. Also, Claim 34 is allowable for additional reasons. In particular, the proposed combination of Sakoda and Van Erlach fails to teach or suggest at least the claimed “presenting one or more of a rotation of the stored advertisements on the mobile device during the period of delay in the wireless communication session if the determined time is longer than a threshold time.” (Emphasis added.)

Again, the Office erroneously contends that Van Erlach teaches “selecting an advertisement based on the time available for an advertisement.” (*See id.* at pages 8-9.) As describe with respect to claim 1, Van Erlach teaches selecting advertisements based on the information obtained from the biometric data and not based on the time lengths of the ads. In addition, because the selected ads in Van Erlach are compressed to “fit” the selected ads into the ad slots, the ads in Van Erlach are not selected “if the determined time is longer than a threshold time.” Further, claim 1 does not merely recite selecting an ad based on the time available for an advertisement. Claim 1 requires “presenting one or more of a rotation of the stored advertisements on the mobile device during the period of delay in the wireless communication session if the determined time is longer than a threshold time.”

To this mischaracterization of claim 1 and Van Erlach, the Office contends to add the teachings of Sakoda, which allegedly describes displaying “successively viewed advertisements.” (*See id.*) However, the teachings of Sakoda fail to support the contention.

In contrast to claim 34, Sakoda teaches selecting an advertisement from a plurality of advertisements based on “[t]he 30-j assign[ing] priorities to the advertisements.” (See Sakoda at column 10, lines 55-62. Selecting an advertisement based on the priorities in Sakoda is not the same as the claimed “presenting one or more of a rotation of the stored advertisements on the mobile device during the period of delay in the wireless communication session if the determined time is longer than a threshold time.” (Emphasis Added.) The priorities assigned in Sakoda are not based on the above claimed condition of “if the determined time is longer than a threshold time.”

For at least these additional reasons, claim 34 is allowable over the proposed combination of Sakoda and Van Erlach. Claims 35-36 depend from claim 34 and are allowable for at least the same reasons.

## **II. Grounds of Rejection II – Rejections over Sakoda, Van Erlach and Hamano**

Claims 8-13, 16, 18-20, 26-33 and 37-39 depend from claims 1, 17 and 34, and are patentable over the proposed combination of Sakoda and Van Erlach for at least reasons similar to claims 1, 17 and 34 above. The addition of Hamano fails to cure the deficiencies of Sakoda and Van Erlach.

In contrast to the claimed limitations, Hamano teaches displaying advertisements during “boot up” or “wake up” process. (*See e.g.*, Hamano at paragraphs [0030], [0035] and [0037].) The boot up and wake up process in Hamano are not related to any wireless communication and thus the ads in Hamano are not displayed “during at least a portion of the wireless communication....” Also, the boot up process in Hamano does not include the claimed “wherein the advertising application on a mobile device presents the new advertisement during the delay if the delay is longer than a threshold time.”

For at least these reasons, claims 8-13, 16, 18-20, 26-33 and 37-39 are allowable over the proposed combination of Sakoda, Van Erlach and Hamano.

### **III. Grounds of Rejection III – Rejections over Sakoda, Van Erlach and Sanctis**

Claims 5 and 22-24 depend from claims 1 and 17, and are allowable over the proposed combination of Sakoda and Van Erlach for at least the same reasons. The addition of Sanctis fails to alleviate the deficiencies of Sakoda and Van Erlach.

As described in the reply dated June 20, 2008, Sanctis is directed to sending to a mobile device a mobile alert message that the user must acknowledge and manually read in order to view a message related to the alert. (*See* Sanctis, ¶¶ [0042]-[0044].) The system in Sanctis also does not store a plurality of advertisements and does not select one of the stored advertisements to present to the mobile device **if the delay is longer than a threshold time**. Thus, even if theoretically combinable, which is not conceded, the proposed combination of Sakoda, Erlach and Sanctis fails to teach or suggest at least the claimed “selecting one of the stored advertisements to present on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.”

For at least these reasons, claims 5 and 22-24 are allowable over the proposed combination of Sakoda, Van Erlach and Sanctis.

#### **IV. Grounds of Rejection IV – Rejections over Sakoda, Van Erlach and Rakavy**

Claims 14-15 depend from claim 1 and are allowable over the proposed combination of Sakoda and Van Erlach for at least the same reasons. The addition of Rakavy fails to alleviate the deficiencies of Sakoda and Van Erlach.

In contrast to claims 14-15, Rakavy teaches “selecting advertisements and other information from a computer network database based on user-defined preferences...” (*See* Rakavy at abstract.) Because the ads in Rakavy are selected based on user-defined preferences, Rakavy also does not teach or suggest “selecting one of presenting the stored advertisements to present on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.”

For at least these reasons, claims 14-15 are allowable over the proposed combination of Sakoda, Van Erlach and Rakavy.

#### **V. Grounds of Rejection V – Rejections over Sakoda, Van Erlach and Levin**

Claim 25 depends from claim 17 and is allowable over the proposed combination of Sakoda and Van Erlach for at least the same reasons. The addition of Levin fails to cure the deficiencies of Sakoda and Van Erlach.

In contrast to claim 25, Levin teaches a system for conducting “promotional campaigns” which includes conducting “electronic survey, including creating, publishing, and collecting and analyzing data generated by the survey.” (*See* Levin at paragraph [0058] and FIG. 1.) However,

similar to Sakoda and Van Erlach, Levin fails to teach or suggests at least the claimed “selecting one of presenting the stored advertisements to present on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.”

For at least these reasons, claim 15 is allowable over the proposed combination of Sakoda, Van Erlach and Levin.

### CONCLUSION

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

Please apply the brief fee and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: February 20, 2009

/Hwa C. Lee/

Hwa C. Lee

Reg. No. 59,747

Fish & Richardson P.C.

**PTO Customer No. 20985**

Telephone: (858) 678-5070

Facsimile: (877) 769-7945

## **Appendix of Claims**

1. A method for advertising on a mobile device, the method comprising:
  - storing a plurality of advertisements on a mobile device;
  - initiating a wireless communication involving the mobile device;
  - determining a time required to complete the wireless communication; and
  - selecting one of the stored advertisements to present on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.
2. The method of claim 1 further comprising downloading the advertisement to the mobile device over a wireless interface.
3. The method of claim 1 wherein the wireless communication comprises a download of data to the mobile device.
4. The method of claim 3 wherein the download of data comprises data used by an application running on the mobile device.
5. The method of claim 4 wherein the application comprises a Binary Runtime Environment for Wireless application.
6. The method of claim 3 wherein the download of data comprises an application file.

7. The method of claim 3 wherein presenting the advertisement on the mobile device comprises presenting the advertisement during a delay period, with the delay period representing a time during which the download of data occurs.
8. The method of claim 1 further comprising:
  - determining that the stored advertisement has expired; and
  - sending a notification of the expiration in response to the expiration determination.
9. The method of claim 8 wherein the notification comprises a request for a new advertisement.
10. The method of claim 8 wherein the determination that the stored advertisement has expired is based on at least one of an expiration time and a number of times the advertisement is presented.
11. The method of claim 8 wherein the notification comprises a request for a new expiration time.
12. The method of claim 8 further comprising receiving a new advertisement in response to the notification.

13. The method of claim 12 further comprising receiving at least one of an expiration time for the new advertisement and an assigned number of times to present the new advertisement.
14. The method of claim 1 wherein the stored advertisement comprises a bitmap.
15. The method of claim 14 wherein the bitmap comprises multiple frames, with presenting the advertisement on the mobile device comprising sequentially displaying the frames.
16. The method of claim 1 further comprising monitoring at least one of a number of times the stored advertisement is presented and a frequency that the stored advertisement is presented.
17. An article comprising a machine-readable medium storing instructions for causing one or more processors to perform operations comprising:
  - storing a plurality of advertisements on a mobile device;
  - receiving an indication of a wireless data communication involving the mobile device;
  - determining a time required to complete the wireless communication; and
  - selecting one of the stored advertisements to present on the mobile device during the wireless data communication if the determined time is longer than a threshold time.

18. The article of claim 17 wherein the machine-readable medium further stores instructions for causing one or more processors to perform operations comprising:
  - identifying expiration data associated with the advertisement;
  - determining if the advertisement has expired based on the expiration data; and
  - sending a notification of the expiration.
19. The article of claim 18 wherein the expiration data relates to one of a number of times the advertisement is presented and an expiration time.
20. The article of claim 18 wherein sending the notification comprises sending one of a request for a new advertisement and a request for new expiration data to a remote server.
21. The article of claim 17 wherein the indication of a wireless data communication is received from an application running on the mobile device.
22. The article of claim 21 wherein the application initiates the wireless data communication.
23. The article of claim 22 wherein the wireless data communication involves data needed by the application to perform an operation requested by a user of the mobile device.

24. The article of claim 22 wherein the application runs on a Binary Runtime Environment for Wireless platform.
25. The article of claim 17 wherein the machine-readable medium further stores instructions for causing one or more processors to perform operations comprising maintaining statistical data relating to the advertisement.
26. A communications system comprising:
- a wireless telecommunications network operable to support communications with mobile devices;
  - a central advertising server in communication with the wireless telecommunication network and adapted to store advertisements for presentation on mobile devices during wireless data communications that cause a delay on the mobile devices, wherein the central advertising server is further adapted to:
    - receive a request for a new advertisement from an advertising application on a mobile device storing one or more advertisements;
    - receive information related to one of the stored advertisements from the advertising application on the mobile device;
    - update a database record associated with the one of the stored advertisements based on the received information;
    - determine whether at least one new advertisement is available; and
    - transmit a selected new advertisement to the mobile device if at least one

new advertisement is available, wherein the advertising application on a mobile device presents the new advertisement during the delay if the delay is longer than a threshold time.

27. The communications system of claim 26 wherein the information related to the one of the stored advertisements includes statistics relating to the one of the stored advertisements, and the central advertising server is further adapted to track the statistics.
28. The communications system of claim 27 wherein the statistics relating to the one of the stored advertisements include at least one of a number of times the one of the stored advertisements-has been presented on the mobile device, a number of presentations that have been assigned to the mobile device, a number of requested presentations for the one of the stored advertisements, and an expiration time for-the one of the stored advertisements.
29. The communications system of claim 26 wherein the central advertising server is further adapted to:
  - assign a number of presentations for the selected new advertisement; and
  - transmit the assigned number to the mobile device.
30. The communications system of claim 26 wherein the central advertising server is further adapted to:

assign an expiration time for the selected new advertisement; and  
transmit the assigned expiration time to the mobile device.

31. The communications system of claim 26 wherein the central advertising server is further adapted to select the selected new advertisement according to a priority weighting procedure.
32. The communications system of claim 31 wherein the priority weighting procedure relates to at least one of a remaining number of requested presentations for each advertisement and a time remaining until an expiration time for each advertisement.
33. The communications system of claim 26 wherein the central advertising server is further adapted to:
  - determine if a new expiration time for a current advertisement is available if at least one new advertisement is not available; and
  - transmit a new expiration time for the current advertisement if a new expiration time for the current advertisement is available.
34. A method of advertising on a mobile device, the method comprising:
  - storing a plurality of advertisements on a mobile device;
  - initiating a wireless communication session involving the mobile device;
  - determining a time required to complete the wireless communication, the time

representing a period of delay in the wireless communication session; and

presenting a rotation of the stored advertisements on the mobile device during the period of delay in the wireless communication session if the determined time is longer than a threshold time.

35. The method of claim 34 further comprising downloading an advertisement to the mobile device over a wireless interface.
36. The method of claim 34 wherein the period of delay comprises a time during which a download of data occurs.
37. The method of claim 34 further comprising:
  - determining that one or more of the stored advertisements have expired; and
  - sending a notification of the expiration in response to the expiration determination.
38. The method of claim 37 wherein the notification comprises a request for a new advertisement.
39. The method of claim 37 wherein the determination that the stored advertisement has expired is based on at least one of an expiration time and a number of times the advertisement is presented.

Applicant : Anthony G. Macaluso  
Serial No. : 10/809,922  
Filed : March 24, 2004  
Page : 23 of 24

Attorney's Docket No.: 13817-0006001

### **Evidence Appendix**

NONE.

Applicant : Anthony G. Macaluso  
Serial No. : 10/809,922  
Filed : March 24, 2004  
Page : 24 of 24

Attorney's Docket No.: 13817-0006001

### **Related Proceedings Appendix**

NONE.